

IN THE SENATE

SENATE BILL NO. 1093

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO FOOD; AMENDING SECTION 37-115, IDAHO CODE, TO PROHIBIT CERTAIN
2 CONDUCT REGARDING FOOD THAT CONTAINS A VACCINE OR VACCINE MATERIAL, TO
3 DEFINE A TERM, TO PROVIDE AN EXCEPTION, AND TO MAKE TECHNICAL CORREC-
4 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 37-115, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 37-115. PROHIBITED ACTS. The following acts and the causing thereof
10 within the state of Idaho are hereby prohibited:

11 (a) The manufacture, sale, or delivery, holding or offering for sale of
12 any food, drug, device, or cosmetic that is adulterated or misbranded;

13 (b) The adulteration or misbranding of any food, drug, device, or cos-
14 metic;

15 (c) The receipt in commerce of any food, drug, device, or cosmetic that
16 is adulterated or misbranded, and the delivery or proffered delivery thereof
17 for pay or otherwise;

18 (d) The sale, delivery for sale, holding for sale, or offering for sale
19 of any article in violation of section 37-124 or 37-127, Idaho Code;

20 (e) The dissemination of any false advertisement;

21 (f) The refusal to permit entry or inspection, or to permit the taking
22 of a sample, as authorized by section 37-133, Idaho Code;

23 (g) The giving of a guaranty or undertaking which guaranty or undertak-
24 ing is false, except by a person who relied on a guaranty or undertaking to
25 the same effect signed by, and containing the name and address of, the person
26 residing in the state of Idaho from whom he received in good faith the food,
27 drug, device, or cosmetic;

28 (h) The removal or disposal of a detained or embargoed article in viola-
29 tion of section 37-118, Idaho Code;

30 (i) The alteration, mutilation, destruction, obliteration, or removal
31 of the whole or any part of the labeling of, or the doing of any other act with
32 respect to a food, drug, device, or cosmetic, if such act is done while such
33 article is held for sale and results in such article being misbranded;

34 (j) Forging, counterfeiting, simulating, or falsely representing, or
35 without proper authority using any mark, stamp, tag, label, or other identi-
36 fication device authorized or required by regulations promulgated under the
37 provisions of this act;

38 (k) The using, on the labeling of any drug or in any advertisement re-
39 lating to such drug, of any representation or suggestion that an application
40 with respect to such drug is effective under section 37-128, Idaho Code, or
41 that such drug complies with the provisions of such section; and

1 (1) The manufacture, sale, delivery, holding, or offering for sale
2 of any food that contains a vaccine or vaccine material targeted toward a
3 consumer of such food unless the food labeling contains a conspicuous no-
4 tification of the presence of the vaccine or vaccine material in the food.
5 For purposes of this subsection, "vaccine or vaccine material" means a sub-
6 stance that is used to stimulate the production of antibodies and provide
7 immunity to the consumer of such food product against disease prepared from
8 the causative agent of a disease or its products, that acts to genetically
9 modify, or that is a synthetic substitute treated to act as an antigen with-
10 out inducing the disease and that is authorized, emergency use authorized,
11 or approved by the United States food and drug administration. The provi-
12 sions of this subsection shall not prohibit the vaccination of livestock to
13 protect such livestock against disease or require the food products derived
14 therefrom to be labeled pursuant to this section.

15 SECTION 2. An emergency existing therefor, which emergency is hereby
16 declared to exist, this act shall be in full force and effect on and after
17 July 1, 2023.